Appendix I.

[Vide item III(1) at page 29 supra.]

L.A. BILL No. 1 OF 1948.

(As passed by the Assembly.)

A Bill for the prevention and eradication of silkworm diseases in the Province of Madras.

Whereas it is expedient to provide for the prevention and eradication of silkworm diseases in the Province of Madras; It is hereby enacted as follows :—

1. (1) This Act may be called the Madras Silkworm Diseases (Prevention and Eradication) Act, 1948. Short title, extent and commencement.

(2) It extends to the whole of the Province of Madras.

(3) This section shall come into force at once; and the remaining provisions of this Act shall come into force—

(a) at once, in the Kollegal taluk of the Coimbatore district and the Hosur taluk of the Salem district; and

(b) in any other part of the Province of Madras, on such date as the Government may, by notification, appoint.

(4) The Government may, by notification, repeal all or any of the remaining provisions aforesaid from any part of the Province of Madras, with effect from such date as may be specified in the notification, but the repeal shall not be deemed to affect the power of the Government to extend the provisions so repealed to such part under sub-section (3), clause (b).

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) "area" means any area in which the provisions of this Act are in force for the time being;

(b) "Director" means the Director of Industries and Commerce, Madras, or such officer as the Government may nominate as Director for all or any of the purposes of this Act;

(c) "Government" means the Provincial Government as defined in section 3, clause (43-a), of the General Clauses Act, 1897; [Central Act X of 1897.]

(d) "notification" means a notification published in the *Fort St. George Gazette*;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "seed" means seed cocoons, moths, eggs and silkworms in the first two stages of development;

(g) "seed area" means an area notified by the Director as an area where silkworms are being reared for raising seed cocoons;

(*h*) "seed cocoon" means cocoon raised from silkworm rearings and intended for reproductive purposes ;

(*i*) "seed producer" means any person engaged in all or any of the processes connected with the manufacture or disposal of seeds ;

(*j*) "seed rearer" means any person engaged in the occupation of rearing silkworms of any species with a view to the sale of cocoons, moths, eggs or worms for the purposes of seed, including operations extending from the incubation of eggs to the harvesting of cocoons ;

(*k*) "**Sericultural Expert**" **means the officer who is the** Head of the Sericultural Section of the Department of Industries and Commerce, Madras ;

(*l*) "silkworm disease" means the disease of pebrine, flacherie, gasserie, or muscardine or any other prescribed disease ;

(*m*) "silkworm rearer" means any person engaged in the occupation of rearing silkworms of any species, with a view to the sale of cocoons, moths, eggs, or worms.

Duty to furnish information of silkworm diseases.

3. (1) Every silkworm rearer, seed rearer and seed producer shall be bound to give information forthwith to the nearest officer who has been duly authorized by the Sericultural Expert in that behalf of the occurrence of any silkworm disease in seed, silkworm, moth or cocoon, in any premises belonging to him or under his control, which may come to his knowledge.

(2) Every such person shall be deemed to have had knowledge of the occurrence of any such disease in any premises belonging to him or under his control, in the absence of reasonable excuse the burden of proving which shall lie upon him.

Inspection of premises.

4. (1) The Sericultural Expert or any officer authorized by him in this behalf may, at all reasonable times, enter and inspect any land, building, vessel, vehicle or place wherein or in any part thereof—

(i) all or any of the processes connected with the rearing of silkworms or the manufacture of seed is carried on, or

(ii) seed, silkworm, moth or cocoon is stored, or is being transported,

if he has reason to believe, from personal knowledge or from information given by any person and taken down by him in writing, that any silkworm disease has occurred in such land, building, vessel, vehicle or place.

(2) Every owner, occupier or other person in charge of any such land, building, vessel, vehicle or place shall be bound to give all reasonable facilities to the officer aforesaid in carrying out his functions under sub-section (1).

26th January 1948]

5. (1) On receipt of information under section 3 or on the detection of any silkworm disease after inspection under section 4, the Sericultural Expert or any officer authorized by him in this behalf or the officer making such inspection, may take or cause to be taken such measures as he may consider necessary or expedient to prevent the spread of the disease or to eradicate it, being measures referred to in sub-section (2). Power to take measures for the eradication of silkworm diseases.

(2) Such measures may consist of—

(*a*) the disinfection or destruction of any seed, silkworm, moth or cocoon or of any vessel, receptacle or apparatus used in the rearing of silkworms or the manufacture of seeds ;

(*b*) the prohibition for a specified period of the rearing by seed rearers of any species of silkworm in which a silk-disease has broken out in a virulent form ;

(*c*) any other action which may be prescribed.

(3) At least twenty-four hours notice shall be given to the owner or other person in charge of any object or article which it is intended to destroy under this section.

6. (1) If such destruction is ordered by the Sericultural Expert or an Assistant Sericultural Expert, the order shall be final. Appeals.

(2) If such destruction is ordered by an officer inferior in rank to an Assistant Sericultural Expert, the owner or other person in charge of the object or article concerned may, within twenty-four hours of the service of the notice referred to in section 5, sub-section (3), appeal to the Assistant Sericultural Expert nominated by the Sericultural Expert to hear appeals under this section ; and the order of such Assistant Sericultural Expert shall be final.

7. (1) Any person who contravenes or fails to comply with any provision of this Act or any rule or order made thereunder shall be punishable with fine which may extend to one hundred rupees ; and any Court trying any such contravention or failure may direct that any seed, silkworm, moth or cocoon, or any vessel, receptacle or apparatus containing the same, in respect of which the Court is satisfied that such contravention or failure has occurred, shall be forfeited to the Government. Penalties.

(2) No prosecution shall be instituted under sub-section (1) without the previous sanction of the Sericultural Expert.

8. No suit, prosecution or other proceeding shall lie against any officer or servant of the Government for any act done or purporting to be done under this Act, without the previous sanction of the Government. Protection of Government officers and servants.

9. (1) The Government may make rules to carry out the purposes of this Act. Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(i) the diseases, if any, which should be treated as silkworm diseases, in addition to those specified in section 2, clause (*l*) ;

(ii) the particulars of the information to be furnished under section 3 and the form in which it should be furnished ;

(iii) the measures which may be taken under section 5 for eradicating silkworm diseases ;

(iv) the form in which appeals may be preferred under section 6.

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